

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re :

CHAPTER 7
CASE NO. 1-14-41062-cec

BRIAN C. LEIBA,

:

AFFIDAVIT IN ACCORDANCE
WITH COURT'S ORDER
DATED FEBRUARY 12, 2015

Debtor. :

-----X
TO THE HONORABLE CARLA E. CRAIG
UNITED STATES BANKRUPTCY JUDGE

PETER A. JOSEPH, attorney for the debtor herein, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am admitted to the bar of this Court and am the attorney for Debtor BRIAN C. LEIBA. I submit this Affidavit in accordance with the Court's February 12, 2015 Order granting the undersigned's motion pursuant to 11 U.S.C. §§362(k) for costs and attorneys' fees due to creditor ICILDA VICKERS-BAKER's violation of 11 U.S.C. § 362(a).

COSTS AND ATTORNEYS FEES INCURRED DUE TO STAY VIOLATION

2. Following are the facts and documents supporting an award of costs and attorneys' fees submitted in accordance with this Court's above-referenced February 12, 2015 Order:

- (i.) My initial consultation with the Debtor occurred Monday, August 11, 2014. Two further consultations intervened prior to my drafting, printing and mailing the September 22, 2014 letter to Mrs. Baker annexed as Exhibit "A" hereto¹. As the consultations related to the entire case, the uniquely stay-violation time expended: 2.0 hrs.
- (ii.) The Court will verify from Exhibit "A" hereto that the undersigned copied the Queens Civil Court with my aforeseaid letter to Mrs. Baker. The Court took no notice of this correspondence, requiring the Debtor to appear September 29, and then November 17, 2014. See Exhibit "B" hereto. The undersigned was thus required, November 19, 2014, both to consult on several occasions with the Debtor, and to travel to the Queens Civil Court, locate the Judge presiding in Mrs. Baker's action CV-01638-14/QU and present him with evidence of this Case, i.e. this Court's 341 Notice. Time, including travel: 4.0 hrs.

¹ This letter was apparently not read by Mrs. Baker, instead remaining in the U.S. Mail envelope returned to the undersigned, which envelope was submitted to the Court as Exhibit "A" to the undersigned's moving, November 22, 2014 Declaration herein.

- (iii.) Preparation of the November 22, 2014 motion herein commenced November 20 with legal research. Drafting and filing the motion ECF occurred November 22, 2014. Total time: 3.0 hrs.
- (iv.) This Court's December 16, 2014 hearing: 3.5.hrs.
- (v.)Preparation, filing of documents in accordance with Court's December 22, 2014 Order: 1.5 hrs.
- (vi.) This Court's February 5, 2015 hearing: 2.0 hrs.

WHEREFORE, the undersigned respectfully requests that this Court (i) find costs and attorneys' fees herein of 16 hours at \$350 per hour; and (ii) grant such other and further relief as is just and proper herein.

Dated: New York, New York
February 18, 2015

Peter A. JosephPJ9723
177 Waverly Place, Suite 5F
New York, N.Y. 10014-3552
(212) 924-1498

From: 1015732@uscourts.gov
Subject: 10-15732 Voluntary Petition (Chapter 7)
Date: November 2, 2010 2:45:19 PM EDT
To: clerk@uscourts.gov

NOTICE TO DEBTS OF A COURT OF THE UNITED STATES IN THE DISTRICT OF NEW YORK. Notice is hereby given that the following information was received from the United States Bankruptcy Court for the Southern District of New York on 11/2/2010 at 2:45 PM and filed on 11/2/2010.

U.S. Bankruptcy Court

Southern District of New York

Notice of Bankruptcy Case Filing

The following information was received from Peter A. Joseph on 11/2/2010 at 2:45 PM and filed on 11/2/2010.

Case Number: 10-15732

Debtors: Peter A. Joseph

Debtor's Address:

Debtor's Name

Voluntary Petition (Chapter 7) under the United States Bankruptcy Code, Title 11, United States Code, filed by Peter A. Joseph at United States Bankruptcy Court, Southern District of New York.

The following documents are submitted with this information:

Documents submitted with this information

Creditors' List (Chapter 7) (11/2/2010)

Electronic Filing Receipt

STAMP: 10-15732-1 (11/2/2010) (11/2/2010) (11/2/2010) (11/2/2010)

10-15732-1 (11/2/2010) (11/2/2010) (11/2/2010) (11/2/2010)

10-15732-1 (11/2/2010) (11/2/2010) (11/2/2010) (11/2/2010)

10-15732 Notice will be electronically mailed to:

Peter A. Joseph on behalf of

1015732@uscourts.gov

EXHIBIT "A"

Law Offices of Peter A. Joseph

177 Waverly Place, 5F New York, NY 10014-3552

Tel.: (212) 924-1498; cell (646) 337-7051; facsimile (847) 750-0947

Email: peter.joseph72@post.harvard.edu

www.peterjosephlaw.com

September 22, 2014

Via Certified Mail, Return Receipt Requested

Icilda Vickers Baker
198-16 118th Avenue
St. Albans, N.Y. 11412

Re: Baker v. Leiba, Queens Civil Court CV-01638-14-QU

Dear Ms. Baker:

I represent Brian Leiba in his Chapter 7 proceeding. He informs me that you have already violated the 11 U.S.C. §362 stay in such proceedings by serving him with papers for your above-referenced case during his meeting with the trustee in this case.

The above-referenced Civil Court case similarly violates the said stay. Should you proceed any further with that case the sanctions motion that I am now preparing for your previous action in front of Trustee John Pereira will bring substantially more sanctions.

Please contact me with any concerns or questions.

Very truly yours,

Peter A. Joseph

Encl.

Cc: Queens Civil Court

FROM: [REDACTED]
SUBJECT: [REDACTED] 14-1052-10 Notice of Continuance of Hearing of
Creditors

Date: January 14, 2015 4:00 PM EST

For courtfiled documents go to

http://www.pacer.uscourts.gov. The Federal Courts of the United States policy
is to make all documents filed with the court available to the public. This policy
applies to all documents filed with the court, including those filed in
confidence. If a document is filed in confidence, it must be marked as such
by the filer. The filer must also apply to all other courts. To avoid later delays, download a copy
of each document during the first viewing. However, if the document is a transcript,
the full copy and 20 page limit do not apply.

U.S. Bankruptcy Court

Southern District of New York

Name of Debtor(s) Filing

The following transaction was entered into [REDACTED] on 1/14/2015 at 4:00 PM and
filed on 1/14/2015.

Case Number: [REDACTED]

Case Number: [REDACTED]

Document Number:

Document Title:

Notice of Continuance of Hearing of Creditors on 1/14/2015 at 4:00 PM at 10-1052-10, [REDACTED]
[REDACTED]

The following documents are associated with this transaction:

1/14/2015-10-1052-10 Notice of Continuance of Hearing of Creditors

Filed A. [REDACTED] on behalf of Debtor [REDACTED]

Filed [REDACTED] on behalf of Debtor [REDACTED]

Filed G. [REDACTED] on behalf of Debtor [REDACTED]

Filed [REDACTED] on behalf of Debtor [REDACTED]

In [REDACTED]

[REDACTED]

EXHIBIT "B"



Civil Court of the City of New York
89-17 Sutphin Boulevard
Jamaica, NY 11435

Phone: (718)-262-7100 ext: Fax:
WEB Site: www.nycourts.gov/courts/nyc/civil/index.shtml
Hours:

Maureen Giddens
Clerk of County

John S. Barry
Deputy Clerk of County

NOTICE

July 21, 2014

BRIAN CHRISTOPHER LEIBA
119-33 201ST STREET
Saint Albans, NY 11412

ICILDA VICKERS BAKER
-against-
BRIAN CHRISTOPHER LEIBA

Index No: CV-016368-14/QU

Calendar No: S-14-QU-018615

PLEASE TAKE NOTICE that your Civil case, has been scheduled to
August 11, 2014 at 9:30 AM in Part Part 11 - Self Represented Non-Jury, Room 101 for a Bench
Trial .

You must appear and bring this notice with you.

Carol Alt
Chief Clerk

CC: ICILDA VICKERS BAKER

*Sept. 29th
9:30 AM*

*New Court Day
Nov. 17th*